

**BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001**

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY**

**Complaint on Sunday
and Holiday Collections**

Docket No. C2001-1

**DOUGLAS F. CARLSON
MOTION FOR EXTENSION OF TIME TO RESPOND
TO POSTAL SERVICE MOTION TO DISMISS**

December 4, 2000

On October 27, 2000, I filed a document titled "Complaint on Sunday and Holiday Collections." On November 27, 2000, the Postal Service filed a 52-page answer and motion to dismiss.¹ I received this document on Wednesday, November 29, 2000. Rule 21 requires me to file and serve an answer by Monday, December 4, 2000. Consequently, using First-Class Mail, I would have only two days to review the Postal Service's motion to dismiss, write my answer, and send it to the Commission.

So far, I have identified 11 or 12 issues or claims on which the Postal Service bases its motion to dismiss, and I must respond to all of them. Unfortunately, due to my full-time professional obligations at the University of California, Santa Cruz, my opportunities last week to review the considerable amount of information the Postal Service provided were limited to Wednesday and Friday evening, and even Friday evening was too late for submitting a response via First-Class Mail. Also last week, and also during my free time, I was finalizing a case management conference statement for a lawsuit that I filed against the Postal Service under the Freedom of Information Act for refusing to

¹ Answer of the United States Postal Service and Motion to Dismiss (filed November 27, 2000).

provide listings of the collection times that are posted in public view on collection boxes. On Friday, December 1, 2000, I submitted a draft statement to the assistant United States attorney who is defending the Postal Service. Then, work obligations at the University of California, Berkeley, required me to spend 11 hours away from home on both Saturday and Sunday, preventing me from devoting significant attention on the weekend to responding to the Postal Service's motion to dismiss. As a result, I am unable to complete and file a thoughtful response to the motion to dismiss by December 4, 2000.

My complaint raises significant policy issues concerning collection service. The issues are nationwide in scope. The Commission would benefit if I had a sufficient amount of time to reply to the motion and present the best-possible response. Moreover, given the gravity of a motion to dismiss, I must have a reasonable amount of time to formulate a response. Commission precedent supports granting a complainant's motion for an extension of time to respond to a Postal Service motion to dismiss a proceeding that the complainant initiated. See Order No. 1221 in Docket No. C99-1 (November 18, 1998).

Therefore, I request an extension to Monday, December 11, 2000, to serve a response to the Postal Service's motion to dismiss. If the Postal Service meets its delivery standard for First-Class Mail, my response should arrive by December 14, 2000. However, to avoid uncertainty concerning mail-delivery time, particularly around the holidays, I request that the deadline of December 11, 2000, be a service deadline, not a filing deadline. The Postal Service does not oppose this motion.

Respectfully submitted,



Dated: December 4, 2000

DOUGLAS F. CARLSON

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon the Postal Service in accordance with section 12 of the *Rules of Practice*.



DOUGLAS F. CARLSON

December 4, 2000
Santa Cruz, California